

App. Serial No. 09/759,177
Docket No.: AT 000001 US

Remarks

Claims 1-6, 9, 11-14, 17, 20 and 22 are pending in this application. Reconsideration and allowance of the application are respectfully requested.

The non-final Office Action dated March 2, 2007 indicated the following rejections: claims 1-5, 9, 12-14, 17 and 20 stand rejected under 35 U.S.C. § 102(e) over Trontelj (U.S. Patent No. 6,208,235); and claims 9, 11, 20 and 22 stand rejected under 35 U.S.C. § 103(a) over Trontelj in view of Burkhardt *et al.* (U.S. Patent No. 3,951,230).

Applicant notes that the Office Action does not indicate that claim 6 is subject to any rejection. Thus, Applicant submits that claim 6 should be listed as allowable.

Applicant respectfully submits that the Section 102(e) rejection of claims 1-5, 9, 12-14, 17 and 20 cannot stand because the cited portions of the Trontelj reference do not correspond to claim limitations directed to a second switch being in its non-conductive state responsive to the data carrier being in the first mode of operation, and the second switch being in its conductive state responsive to the data carrier being in the second mode of operation. The Office Action asserts that a switch connected to Trontelj's output modulation capacitor 28 corresponds to the claimed second switch. However, the cited portions of Trontelj teach that data is transmitted to a reader through the use of data output modulation capacitor 28 by switching the capacitor 28 into and out of the antenna circuit 20 to change the overall capacitance of the circuit 20 in accordance with the data. *See, e.g.,* Figure 1 and Col. 5:28-42. As such, Trontelj does not teach the cited switch is in its conductive state responsive to the transponder 12 being in a mode in which it does not communicate with the reader. Accordingly, the 102(e) rejection of claims 1-5, 9, 12-14, 17 and 20 is improper and Applicant requests that it be withdrawn.

Applicant respectfully submits that the Section 103(a) rejection of claims 9, 11, 20 and 22 cannot stand because the cited portions of the Trontelj reference do not correspond to all of the claim limitations as discussed above in relation to the Section 102(e) rejection of claims 1 and 12. In at least this regard, the rejection of claims 9, 11, 20 and 22 is improper as these claims depend from claim 1 or 12. Therefore, Applicant requests that the Section 103(a) rejection of claims 9, 11, 20 and 22 be withdrawn.

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In view of the remarks above, Applicant believes that the rejections have been overcome and that the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the attorney overseeing the application file, David A. Cordeiro, Esq., of NXP Corporation at (408) 474-9057 (or the undersigned).

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